IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Civil Revision No. 5046 of 2005

Date of Decision: September 24, 2007

Ram Niwas .....Petitioner

Versus

Ram Kumar and others .....Respondents

CORAM:- HON'BLE MR.JUSTICE S. D. ANAND

Present: Mr.Parveen Kumar, Advocate for the petitioner.

None for the respondents.

S. D. ANAND, J.

1. The plaintiff-petitioner filed a suit challenging the Civil Court decree dated 29.3.1997 on a plea that he never put his thumb impression on the plaint and he had also not engaged any counsel to appear on his behalf in that matter and further that he also did not put in appearance in the Court at all. The impugned decree was alleged to have been obtained by the defendant-respondents in collusion with each other.

2. In that suit, both the parties have already concluded their evidence and the matter came to be posted for rebuttal evidence. It was at that point of time that the plaintiff-petitioner applied for the leave of the Court to get his specimen thumb impression compared. The learned Trial Court declined the plea on a finding that the application was aimed at delaying the disposal of the case which had been filed in the year 1997.

3. It is beyond the pale of controversy that the civil suit under

reference was filed in the year 1997. Issues were framed on 23.4.1999. The matter is hanging fire for the recording of rebuttal evidence since 19.4.2004. It was to the notice of the plaintiff-petitioner from the very beginning that he had to adduce evidence in support of the averment that his thumb impression does not appear on the plaint. That was the main plea put forward by the plaintiff-petitioner at the trial.

4. In the light of the facts noticed in the preceding paras, I find nothing irregular or perverse in the exercise of judicial discretion by the learned Trial Court in declining the application.

5. Dismissed.

(S. D. ANAND)
JUDGE

September 24, 2007
SRM

Note: Whether referred to reporter or not? Yes/No